

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LOGICAL OPERATIONS INC., a Delaware
corporation,

Plaintiff,

vs.

30 BIRD MEDIA, LLC a Maryland limited
Liability company; and ADAM A. WILCOX,

Defendants.

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT PURSUANT TO
F.R.C.P. 12(B)(6) and 8(a)(2)**

Civil Action No.: 15-CV-6646 FPG

PLEASE TAKE NOTICE, that Defendants 30 Bird Media, LLC and Adam A. Wilcox, by and through undersigned counsel, shall move to dismiss Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted and 8(a)(2) for failure to plead with sufficient particularity in the above captioned matter before the Honorable Frank P. Geraci, Chief United States District Judge, on a date and time to be determined by the Court, at the United States Courthouse for the Western District of New York, 100 State Street, Rochester, NY 14614. Defendants submit a Memorandum of Law and Attorney Affirmation by Elizabeth A. Cordello, Esq. dated November 30, 2015 in support of the Motion to Dismiss Plaintiff's Amended Complaint. Defendants seek dismissal of the Amended Complaint, statutory attorneys' fees and any other relief this Court may deem just and appropriate. Pursuant to Local Rule 7.1, Defendants reserve the right to file and serve Reply papers in further support of the Motion to Dismiss the Amended Complaint.

Dated: November 30, 2015

/s/ Elizabeth A. Cordello

Elizabeth A. Cordello